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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,596	12/28/2000	Ravi Ganesan	3350-42	4822

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EXAMINER

HAMILTON, LALITA M

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/749,596	GANESAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lalita M. Hamilton	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 October 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-36 and 38-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-36 and 38-57 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

✓ 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

✓ 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### Summary

On July 27, 2005, an Office Action was sent to the Applicant rejecting claims 1-57. On October 31, 2005, the Applicant responded by amending claims 1, 5-18, 26, 28, 33-36, 38-47, 55, and 57 and canceling claim 37.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-36 and 38-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Lai (2001/0037290).

Lai discloses a method and corresponding system and article of manufacture for secured web-based escrowed transactions comprising receiving an instruction from a purchaser, via a network, to effect an electronic escrow transaction associated with a sale, made via the network, of goods or services from a seller (p.4-5, 36); receiving via the network, a first notice associated with goods receipt or service performance wherein the first notice is received from at least one of the seller or a shipping agent, and storing a log of each communication associated with the electronic escrow transaction including the instruction and an indication that the first notice has been received,

wherein at least one of the receiving, and storing steps is performed by a computer (p.3, 27 and p.5, 37); initiating a debit from an account associated with the purchaser, storing an indication of the initiation of the debit from the purchaser account, initiating a credit to an account associated with the seller, and storing an indication of the initiation of the credit to the seller account (p.4, 36---debit from purchase to escrow account and p.5, 37---once shipped, money credited from escrow account to seller); initiating a debit from an account associated with a processing agent and storing an indication of the initiation of the debit from the processing agent account (p.4, 36); initiating a credit to an account associated with the seller and storing an indication of the initiation of the credit to the seller account, wherein the credit to the seller account is a corresponding credit to the debit from the processing agent account (p.5, 37); transmitting a second notice, via the network, to the seller that funds from an account associated with the purchaser are available and that the seller should ship the goods to, or provide the service for, the purchaser, and storing an indication that the second notice has been transmitted to the seller (p.4, 36—transaction validated and authorization sent to the merchant to process the order); the second notice is transmitted after at least one of (i) a predetermined period, beginning at initiation of a debit to an account associated with a purchaser, has elapsed, or (ii) funds from the purchaser account are credited to an account associated with a service provider (p.4, 36); wherein receiving the first notice comprises receiving the first notice of one of (i) the goods having been shipped, or (ii) the services having been performed and transmitting a second notice, via the network, to the purchaser that the seller has one of (i) shipped the goods to the purchaser, or (ii) performed the

services for the purchaser, and storing an indication that the second notice has been transmitted to the purchaser (p.5, 37); the first notice includes a delivery tracking number (p.5, 37—well known and practiced to include a tracking number when shipping confirmation is sent); receiving the first notice comprises receiving the first notice of one of (i) the goods having been received from the seller and being acceptable, or (ii) the services having been acceptably performed by the seller (p.5, 37); initiating a credit to an account associated with the seller and storing an indication of the initiation of the credit to the seller account, wherein the credit to the seller account is initiated subsequent to receiving the first notice (p.5, 37); receiving the first notice comprises receiving the first notice of one of (i) the goods having been shipped by the seller, or (ii) the services having been performed by the seller and initiating a credit to an account associated with the seller, and storing an indication of the initiation of the credit to the seller account, wherein the credit to the seller account is initiated after a predetermined period, beginning at receipt of the first notice (p.5, 37); receiving the first notice comprises receiving the first notice of one of (i) the goods having been received from the seller and being unacceptable, (ii) the goods having not been received from the seller, (iii) the services having not been acceptably performed by the seller, or (iv) the services having not been performed by the seller (p.5, 38); the first notice includes a notice to suspend a pending credit to an account associated with the seller (p.5, 38); the first notice includes a notice to reverse a debit to an account associated with the purchaser (p.5, 38); receiving, via the network, a first second notice that the goods have been returned shipped to the seller, storing an indication that the first second notice has

been received, transmitting to the seller, via the network, a third notice that the goods have been returned shipped from the purchaser, and storing an indication that the third notice has been transmitted to the seller, wherein the first second notice is received from at least one of (i) the purchaser, or (ii) a shipping agent (p.5, 38); the second notice includes a delivery tracking number (p.5, 38---well known and practiced to include a tracking number to track the package); receiving, via the network, a third fourth notice that the goods have been received by the seller and storing an indication that the third fourth notice has been received, wherein the third fourth notice is received from at least one of (i) the seller, or (ii) the shipping agent (p.5, 38); initiating a credit to an account associated with the purchaser and storing an indication of the initiation of the credit to the purchaser account, wherein the credit to the purchaser account is initiated after least one of (i) upon receipt of ((a1) the first notice, via the network âom at least one of the seller or a shipping agent, that the goods have been delivered to the seller, or (ii) after a predetermined period, beginning at a notification to the seller that the purchaser has shipped the goods to the seller, has elapsed (p.5, 38); the goods or services are goods or services purchased from an Internet auction (p.4, 36—can be an auction if the user chooses a merchant website performing auctions); initiating a debit from an account associated with the purchaser, initiating a credit to an escrow account associated with a processing agent, initiating a debit to the escrow account associated with the processing agent, initiating a credit to an account associated with the seller, storing an indication of the initiation of the debit to the purchaser account, and storing an indication of the initiation of the credit to the seller account (p.4, 36 and p.5, 37); the

credit to the escrow account is a corresponding credit to the debit from the purchaser account (p.4, 36); the credit to the seller account is a corresponding credit to the debit from the escrow account (p.5, 37); receiving the instruction via a web page generated subsequent to the purchaser selecting a hyper-link presented to the purchaser by an Internet web site selling goods or services, wherein the web page presented to the purchaser includes details of the sale (p.4, 36); the stored logged communications include an indication of the date and time each communication is received or transmitted (p.3, 27); retrieving any of the logged and stored communications (p.3, 27); wherein receiving the first notice comprises receiving, from the shipping agent, the first notice that goods have been delivered to the purchaser and wherein the method receiving, from the purchaser, a second notice that the delivered goods are acceptable, storing an indication that the second notice has been received, and initiating a credit to an account associated with the seller (p.5, 37); and the credit to the account associated with the seller is initiated after at least one of (i) a predetermined period, beginning upon receipt of the first notice, has elapsed, or (ii) receipt of the second notice (p.5, 37).

***Provisional Application Listed on PTO-892 form***

If a copy of a provisional application listed on the bottom portion of the accompanying Notice of References Cited (PTO-892) form is not included with this Office action and the PTO-892 has been annotated to indicate that the copy was not readily available, it is because the copy could not be readily obtained when the Office action was mailed. Should applicant desire a copy of such a provisional application, applicant should promptly request the copy from the Office of Public Records (OPR) in

accordance with 37 CFR 1.14(a)(1)(iv), paying the required fee under 37 CFR 1.19(b)(1). If a copy is ordered from OPR, the shortened statutory period for reply to this Office action will not be reset under MPEP § 710.06 unless applicant can demonstrate a substantial delay by the Office in fulfilling the order for the copy of the provisional application. Where the applicant has been notified on the PTO-892 that a copy of the provisional application is not readily available, the provision of MPEP § 707.05(a) that a copy of the cited reference will be automatically furnished without charge does not apply.

***Response to Arguments***

Applicant's arguments with respect to claims 1-36 and 38-57 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lalita M. Hamilton  
Primary Examiner, 3624